

Adulteration of the article was alleged in the libels for the reason that a substance containing approximately 42.74 per cent of protein had been substituted wholly or in part for an article containing 61 per cent of protein.

Misbranding was alleged for the reason that the statement on the label of the sack containing the article, "Protein 61%," was false and misleading and deceived and misled the purchaser.

On April 13, 1922, the Chandler Milling & Manufacturing Co., Des Moines, Iowa, claimant, having admitted the allegations of the libels and consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant, upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$1,000, in conformity with section 10 of the act, conditioned, in part that it be relabeled under the supervision of this department in part as follows, "Bone Tankage Analysis, Protein 43%, Fat 9%, Fiber 3½%."

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10997. Adulteration of oranges. U. S. v. 462 Boxes, et al, of Oranges. Consent decrees of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 15807, 15808, 15827. I. S. Nos. 1802-t, 1803-t, 1806-t. S. Nos. C-3445, C-3467, C-3482.)

On February 27, March 14, and March 21, 1922, respectively, the United States attorney for the Western District of Missouri, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 1,386 boxes of oranges, remaining unsold in the original unbroken packages at Kansas City, Mo., alleging that the article had been shipped in part by the California Fruit Growers' Exchange, from La Verne and Prenda, Calif., on or about March 2, 1922, and in part by the Stewart Fruit Co., from Riverside, Calif., on or about February 17, 1922, and transported from the State of California into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. The article was labeled variously in part: "Wash. Navels Red Crescent Brand Arlington Heights Fruit Co. Riverside, California;" "Parent Tree Brand Packed by Mutual Packing Company, Riverside-Orange-Lindsay, Cal;" "Washington Navels Begonia of La Verne Grown and Packed by La Verne Orange Association, La Verne, Los Angeles Co. Calif."

Adulteration of the article was alleged in the libels for the reason that it consisted in whole or in part of a decomposed vegetable substance.

On March 2, 16, and 23, 1922, respectively, the Stewart Fruit Co., Evans & Peppers, a copartnership consisting of O. C. Evans and E. H. Peppers, and Peycke Bros. Commission Co. having entered their appearances as claimants for the respective portions of the property, and having admitted the allegations of the libels and consented to the entry of decrees for the condemnation and forfeiture thereof, judgments of the court were entered ordering that the product be released to the respective claimants upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$4,300, in conformity with section 10 of the act, conditioned in part that the product be salvaged under the supervision of this department, the bad portion destroyed and the good portion released to the claimants without condition.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10998. Adulteration and misbranding of butter. U. S. v. 4 Cases of Butter. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 15835. I. S. No. 8140-t. S. No. E-3836.)

On April 5, 1922, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 4 cases of butter, remaining in the original unbroken packages at Allentown, Pa., consigned by Minnesota Creamery & Produce Co., St. Paul, Minn., alleging that the article had been shipped from St. Paul, Minn., on or about March 14, 1922, and transported from the State of Minnesota into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that excessive water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that a valuable constituent of the article, butter fat, had been wholly or in part abstracted.

Misbranding was alleged in substance for the reason that the label on the carton containing the article bore the statement, to wit, "Creamery Butter

Minnesota Creamery and Produce Co.," regarding the article and the ingredients and substance contained therein, which was false and misleading in that the said statement indicated to the purchaser that the cartons contained creamery butter when in fact they did not. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On April 24, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10999. Misbranding of cane and maple sirup. U. S. v. 27 Cans, et al, of Cane and Maple Sirup. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 15977. I. S. Nos. 4503-t, 4504-t, 4505-t. S. No. C-3428.)

On February 13, 1922, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 27 cans, 10 pounds each, 134 cans, 5 pounds each, and 163 cans, 2½ pounds each, of cane and maple sirup, remaining in the original and unbroken packages at Minneapolis, Minn., alleging that the article had been shipped by the Vincent Syrup Co., Denver, Colo., January 13, 1922, and transported from the State of Colorado into the State of Minnesota, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Cans) "A No. 1 Vincent's Leader Cane and Maple Syrup \* \* \* Vincent Syrup Co., Denver, Colo. 10 Lbs. Net" (or "5 Lbs. Net" or "2½ Lbs. Net").

Misbranding of the article was alleged in substance in the libel for the reason that the respective statements, appearing on the various sized cans containing the article, to wit, "10 Lbs. Net," or "5 Lbs. Net," or "2½ Lbs. Net," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statements thereon were incorrect.

On May 20, 1922, the Vincent Syrup Co., Denver, Colo., and the Piggly Wiggly Minnesota Co., having entered their appearances as joint claimants for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimants upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that the cans be refilled or relabeled so as to comply with the provisions of the said act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11000. Adulteration of tomato paste. U. S. v. 68 Cases of Tomato Paste. Consent decree of condemnation and forfeiture. Product released under bond for export.** (F. & D. No. 14692. I. S. No. 6371-t. S. No. E-3189.)

On April 1, 1921, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 68 cases of tomato paste, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Serto Packing Co., from Centerville, Md., on or about September 21, 1920, and transported from the State of Maryland into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Concentrato di Pomodoro Made in U. S. A. \* \* \* 12 Ozs. Net Concentrated Tomato Serto Brand Packed by Serto Packing Co. New York."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On October 13, 1922, the Serto Packing Co., New York, N. Y., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that it be exported under the representation that it was adulterated contrary to the said act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*